

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**


CHENETRAL EVANS,

Plaintiff,

V.

EAST TEXAS FAMILY MEDICINE,
PA, MD DEAN FRENCH, MD ALLEN
MILLS, MD JOHN M. KLIEN, DO
SIDNEY CHADWELL,

Defendants.



CIVIL ACTION NO. 6:22-CV-00374-JDK

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Chenetral Evans filed this action alleging race discrimination, retaliation, and hostile work environment. Docket No. 1. Before the Court is Defendants East Texas Family Medicine, PA and Dean French's motion to dismiss Plaintiff's second amended complaint. Docket No. 19. The Court referred the motion to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and a recommendation for disposition. Docket No. 20.

On April 25, 2023, Judge Love issued a Report and Recommendation recommending that the Court deny Defendants' motion to dismiss and terminate Defendants Allen Mills, John M. Klien, and Sidney Chadwell. Docket No. 22. No objections the Report were filed and the time period for filing objections has passed.

Because objections to Judge Love's Report have not been filed, Defendants are barred from de novo review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the filings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 22) is **ADOPTED**. Defendants East Texas Family Medicine, PA and Dean French's motion to dismiss (Docket No. 19) is **DENIED**. The Clerk of the Court is directed to terminate Defendants Allen Mills, John M. Klien, and Sidney Chadwell. Plaintiffs' claims against Defendants East Texas Family Medicine, PA and Dean French remain pending.

Further, Defendants request for an extension of time to respond to the second amended complaint (*see* Docket No.19 at 10-11) is **GRANTED**. Defendants are **ORDERED** to respond to Plaintiff's second amended complaint by May 26, 2023.

So **ORDERED** and **SIGNED** this **12th** day of **May, 2023**.

A handwritten signature in black ink, reading "Jeremy D. Kernodle". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE